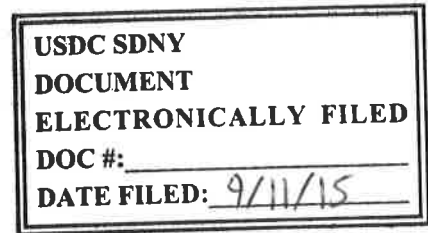


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



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PARAGON PET PRODUCTS EUROPE B.V.,

Plaintiff,

-v-

MARS, INC.,

Defendant.
-----X

15 Civ. 5520 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

A conference in this case is scheduled for September 16, 2015, at 10:30 a.m., for the purpose of hearing argument on the motion to dismiss of defendant Mars, Inc. (“Mars”) and the application of plaintiff Paragon Pet Products Europe B.V. (“Paragon”) for a preliminary injunction. The Court notifies counsel that, based on its review of the parties’ submissions, the Court regards Mars’s motion to dismiss as substantial. In particular, to the extent that Mars argues that the Complaint’s allegations with regard to Mars are conclusory and inadequate to plausibly allege that Mars, as opposed to a subsidiary, made the advertising and marketing claims at issue, there is a substantial possibility that the Court will grant that motion.

Accordingly, the Court will limit the focus of the September 16, 2015 conference to argument on the motion to dismiss and the case schedule going forward. The Court will not entertain, at this time, Paragon’s motion for a preliminary injunction. The Court will consider granting Paragon a short extension of time to file an amended complaint, so as to amplify its allegations against Mars and/or to add one or more defendants. Although the Court had previously set a September 3, 2015 deadline for an Amended Complaint, *see* Dkt. 49, the Court

is mindful that evidence that Paragon has adduced following the filing of the Complaint may enable Paragon to fortify the present Complaint, and that a short extension under these circumstances is consistent with the liberal standard governing amendments set out in Federal Rule of Civil Procedure 15. *See Loreley Fin. (Jersey) No. 3 Ltd. v. Wells Fargo Sec., LLC*, No. 13-1476-cv, 2015 WL 4492258, at *24–26 (2d. Cir. July 24, 2015). Paragon should be prepared, at the outset of the September 16, 2015 conference, to alert the Court whether it plans to move to amend, thereby mooting the pending motion to dismiss.

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

Dated: September 11, 2015
New York, New York